

LOWER PASSAIC RIVER CLEANUP (NEW JERSEY)

ISSUE SUMMARY:

In March 2016, EPA selected a remedy for cleaning up the lower 8.3 miles of the Passaic River. At an estimated cost of \$1.38 billion, this remedy is one of the Superfund program's most expensive. The public and elected officials strongly support EPA's selected remedy but a group of potentially responsible parties (PRPs) has been very critical.

UPCOMING MILESTONES:

- FOIA exemption (b)(5)(1)&(2)&(3) [predecisional and deliberative; attorney-client communication; attorney work product]

BACKGROUND:

The Diamond Alkali Superfund site encompasses the entire 17 miles of the tidal Lower Passaic River (LPR), as well as Newark Bay and the former pesticide factory at 80-120 Lister Avenue in Newark, NJ. The LPR and Newark Bay were contaminated with releases from that factory and other industrial and municipal sources. Contamination dates back to the beginning of the industrial revolution and includes a variety of hazardous substances, such as dioxin, polychlorinated biphenyls (PCBs), mercury, dichloro-diphenyl-trichloroethane (DDT), pesticides, polynuclear aromatic hydrocarbons (PAHs) and heavy metals. EPA added the site to the National Priorities List (NPL) in 1984.

EPA's March 2016 remedy selection focused on the lower 8.3 miles of the LPR because about 90 percent of the contamination is concentrated in that stretch, requiring bank-to-bank remediation.

The Agency has identified over 100 PRPs. Some of the PRPs formed the CPG, and under EPA oversight, the CPG is performing the remedial investigation and feasibility study for the full 17-mile stretch of the LPR.

Prior to EPA's March 2016 remedy selection, the CPG and individual PRPs made frequent information and meeting requests. They wrote to EPA Headquarters and to Congress to criticize the remedy and advocate for a much less comprehensive approach.

The EPA, the State of New Jersey, and other federal agencies have conducted significant community involvement and outreach for the Lower Passaic River. Outreach efforts include regular meetings with the Passaic River Community Advisory Group and frequent engagement with community groups and local and state governmental officials.

KEY EXTERNAL STAKEHOLDERS:

- ☒ Congress ☒ Industry ☒ States ☐ Tribes ☒ Media ☒ Other Federal Agency
☒ NGO ☒ Local Government ☐ Other (name of stakeholder) _____

Congressional Interest: Senators Cory Booker and Robert Menendez; NJ House Delegation, particularly Rodney Frelinghuysen, Bill Pascrell, Albio Sires and Donald Payne, Jr. The NJ Department of Environmental Protection has publicly supported EPA efforts to clean up the Passaic River and formally concurred on the final cleanup plan before EPA finalized the document.

Other Interested Parties: OCC, CPG, NJ DEP, US Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, Passaic River Community Advisory Group, Sediment Management Workgroup, Ironbound Community Corporation, Natural Resources Defense Council, NY/NJ Baykeeper, Passaic River Coalition, Sierra Club and various communities located near the Passaic River.

NGOs have expressed concern over the cleanup's slow pace and the need to hold PRPs accountable for cleanup costs; PRPs have expressed concern over the cleanup's high cost and have questioned whether the Region has followed EPA guidance on how sediment sites should be addressed.

U.S. Army Corps of Engineers is also a site stakeholder due to the requisite changes to navigational dredging.

MOVING FORWARD:

FOIA exemption (b)(5)(1)&(2)&(3) [predecisional and deliberative; attorney-client communication; attorney work product]

LEAD OFFICE/REGION: REGION 2

OTHER KEY OFFICES/REGIONS: OLEM, OECA